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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL MESA

Defendants.

CASE NO.: 2:13-cr-00418-APG-VCF

**STIPULATION AND ORDER  
TO CONTINUE TRIAL**  
**(Second Request)**

**IT IS HEREBY STIPULATED AND AGREED**, by and between CRAIG W. DRUMMOND, ESQ., attorney for Defendant GABRIEL MESA, and CRISTINA D. SILVA, Assistant United States Attorney for Plaintiff, that the Trial currently scheduled for April 28, 2014 be vacated and set to a date and time convenient to this Honorable Court at least ninety (90) days from current date.

This Stipulation is entered into for the following reasons:

1. That the original trial date in this matter was set for January 27, 2014 and continued to April 28, 2014 at 9:00 am.
2. Defense counsel was recently appointed in this matter on April 16, 2014.
3. Defense counsel is requesting a continuance for at least ninety (90) days to meet with Defendant and adequately and thoroughly review the discovery, evidence and investigate the case in preparation for trial.

4. Defense counsel has other State and Federal trials scheduled for:  
 April 21, 2014 – April 25, 2014 in USA vs. Stubbs, 2:13-cr-00381-APG; May 5, 2014 –  
 May 9, 2014 in NV vs. Sanchez-Sanchez, C-12-285104-1; May 12, 2014 – May 23, 2014 in NV  
 vs. Starks, C-10-269523-1; June 3, 2014 – June 27, 2014 in USA vs. Martin, 2:12-cr-00400-JAD;  
 July 8, 2014 in Military Trial; August 2014 in USA vs. Oats 2:14-cr-00046-APG.

5. The additional time requested herein is not sought for purposes of delay, but merely  
 to allow Counsel sufficient time within which to be able to effectively and complete investigation  
 of discovery materials provided. Denial of this request for continuance could result in a  
 miscarriage of justice. The additional time requested by this Stipulation is excludable in  
 computing the time within which the trial herein must commence pursuant to the Speedy Trial  
 Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section  
 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections  
 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

6. The parties therefore agree and stipulate that any additional time granted for  
 negotiations pursuant to this request should properly be excluded from computations of the time  
 within which the trial herein must commence under the Speedy Trial Act, 18 U.S.C. § 3161(7)(A),  
 when considering the factors under §§ 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

7. Denial of this request for continuance could result in a miscarriage of justice.

8. That parties request that new motions deadlines be set based on a new trial date.

9. This is the parties' second stipulation to continue the trial in this case.

DATED this 18 day of April, 2014.

By: /s/  
 CRAIG W. DRUMMOND, ESQ.  
 228 S. Fourth Street, First Floor  
 Las Vegas, NV 89101  
*Attorney for Defendant Oats*

By: /s/  
 CRISTINA D. SILVA, ESQ.  
 333 S. Las Vegas Blvd., #5000  
 Las Vegas, NV 89101  
*Assistant United States Attorney*

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL MESA

Defendants.

Case No.: 2:13-cr-00418-APG-VCF

**ORDER TO CONTINUE TRIAL**  
**(Second Request)**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel and good cause appearing therefore, the Court finds that:

1. Defense counsel was recently appointed in this matter on April 16, 2014.
2. Defense counsel is requesting a continuance for at least ninety (90) days from to meet with Defendant and adequately and thoroughly review the discovery, evidence and investigate the case in preparation for trial.
3. Defense counsel has other State and Federal trials scheduled for:  
April 21, 2014 – April 25, 2014 in USA vs. Stubbs, 2:13-cr-00381-APG; May 5, 2014 – May 9, 2014 in NV vs. Sanchez-Sanchez, C-12-285104-1; May 12, 2014 – May 23, 2014 in NV vs. Starks, C-10-269523-1; June 3, 2014 – June 27, 2014 in USA vs. Martin, 2:12-cr-00400-JAD; July 8, 2014 in Military Trial; August 2014 in USA vs. Oats 2:14-cr-00046-APG.
4. This is the Second Request for a continuance of the Trial date.
5. The additional time requested herein is not sought for purposes of delay, but merely to allow Counsel sufficient time within which to be able to effectively and complete investigation of discovery materials provided.
6. Denial of this request for continuance would deny the defendants reasonably requested time to review discovery and to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence, and could result in a miscarriage of justice.



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18 day of April 2014, the undersigned served the foregoing Defendant's Motion on all counsel herein by causing a true copy to be served via the CM/ECF system.



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An Employee of DRUMMOND & NELSON LAW FIRM